

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

WILLIAM JOHNSON, JILL JOHNSON, and  
SECOND AMENDMENT FOUNDATION,  
INC.,

Plaintiffs,

v.

ELIZABETH HERTEL, in her official capacity  
as Director of the Michigan Department of  
Health and Human Services,

Defendant.

No. 17-CV-00124-PLM-MV

HON. PAUL L. MALONEY

MAG. MAARTEN VERMAAT

**JOINT STATUS REPORT**

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### **JOINT STATUS REPORT**

As directed by the Court, the parties submit this Joint Status Report.

The parties continue efforts to reach settlement to resolve Plaintiff Second Amendment claims against State Defendant. Current efforts include:

1. The drafting and promulgation of a revised Foster Family Homes and Foster Family Group Homes Rule 400.9415 (Rule 415).
2. Implementation of various training measures.
3. A settlement agreement which would include a resolution of Plaintiffs' claim for attorney's fees or an agreement to place said issue before the Court.

The Amended Rule 415 – as approved by Plaintiffs and State Defendant – is one of the 42 amended rules awaiting promulgation within the Michigan Foster Family Homes and Foster Family Group Homes rule set. For reasons not involving Rule 415, the Michigan Department of Health and Human Services (MDHHS) temporarily withdrew this rule set from pending promulgation after review by the Joint Committee on Administrative Rules (JCAR). JCAR “consists of 5 members of the senate and 5 members of the house of representatives”. MCL 24.235.

This rule set was not promulgated in November 2022, and JCAR will resume session on January 2, 2023. Accordingly, MDHHS anticipates promulgation of amended Rule 415 to occur by March 31, 2023, in accord with the Michigan Administrative Procedures Act, MCL 24.201, *et seq.*

Additionally, MDHHS continues determining whether Rule 415 may be eligible for promulgation independent from inclusion with the aforementioned Foster Family Home and Foster Family Group Home Rules set for resubmission.

Considering MDHHS intends to resubmit the amended Michigan Foster Family Homes and Foster Family Group Homes Rules, including Rule 415, after JCAR returns to session on January 3, 2023, the parties suggest a follow-up status report deadline of April 1, 2023.

Date: December 2, 2022

/s/ Cassandra A. Drysdale-Crown  
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Date: December 2, 2022

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